

Attorney Dkt. No. 24731-500E
DIVISIONAL OF U.S.S.N. 08/700,565
GRUENBERG
PRELIMINARY AMENDMENT

AD

153. (Amended) A method of treating a patient infected with HIV, comprising administering [the combination of claim 45] a combination comprising a composition containing a clinically relevant number of HIV purged CD4⁺ cells; and a composition containing a clinically relevant number of CD8⁺ effector cells, wherein the compositions are administered simultaneously or sequentially.

REMARKS

Any fees that may be due in connection with the filing of this application may be charged to Deposit Account No. 08-1641.

Claims 18-21, 46-54, 68-71, 73-135 and 153 are presently pending in this application. Claims 1-17, 22-45, 55-67, 72 have been cancelled without prejudice or disclaimer.

Claims 18, 46, 48, 68, 70, 71, 73, 110, 125, 131-133 and 155 have been amended to more particularly point out and distinctly claim the subject matter that applicant regards as the invention and to conform to a Restriction Requirement set forth in the parent application U.S. application Serial No. 08/566,847. The amendments find basis in the specification as originally filed. For example, amendment of claim 18 finds particular basis at page 13, line 2 ("expanding the cells by appropriate **activation**"), and page 17, lines 3-4 ("activating proteins are molecules . . . that cause cells to **proliferate**") and page 33, lines 6 ("proliferation of such **activated T cells**"). Hence no new matter has been added. It is also noted that none of the amendments herein are designed to avoid any art that is of record nor to limit the scope of the claims.

REQUIREMENT FOR RESTRICTION

In U.S. application Serial No. 08/566,847, from which the above-captioned application claims priority, the claims are restricted into the following groups:

Group I : Claims 1-17 and 22-35 drawn to methods for making immune cells;

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- Group II : Claims 36-41 drawn to a method of making virally purged CD4+ cells;
- Group III : Claims 42-45, 55-67, 72 and 147-152 drawn to cell compositions; and
- Group IV : Claims 18-21, 46-54, 68-71, 73-146 and 153 drawn to methods of treatment.

The pending claims of the above-captioned application are directed to methods of treatment and correspond to Group IV. It is noted that claims 136-146, which have been included in Group IV, depend and from claims 1, 2, 3, 6 or 7, all of which are included with the claims of Group I. Claims 136-146, properly belong in Group I. Accordingly, claims 136-146 are also cancelled herein.

Applicant reserves the right to file divisional applications to the non-elected subject matter.

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In view of the above, entry and examination of the application on the merits are respectfully requested.

Respectfully submitted,
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